

REMARKS

This is in response to the Office Action mailed on February 25, 2004, and the documents cited therewith.

Claims 1, 17 and 18 are amended, claims 20-48 are canceled, and claims 49-72 are added; as a result, claims 1-19 and 49-72 are now pending in this application. In the Office Action, the Examiner stated that claims 2 and 4-19 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 49-66 correspond to original claims 2-19. Claim 2 is canceled and presented in independent form as claim 49. Claims 50-66 are dependent claims that include the subject matter of original claims 3-19. New claims 67-72 are directed to a specific embodiment of the invention. Support for claims 67-72 can be found in the specification at page 25, lines 9-19 and at page 42, lines 1-20. No new subject matter has been added. It is respectfully submitted that the amendments herein are made to clarify the subject matter that Applicants regard as their invention and do not narrow the scope of the original claims. Thus, the amendments do not create estoppel which would limit the claims. Accordingly, the amended claims are entitled to a full scope of equivalents.

Interview Summary

Applicants thank Examiner Tentoni for his courtesy during the telephone interview with Applicants' attorney William F. Prout on April 23, 2004. The Vander Wielen reference (U.S. Pat. No. 4,720,415) was discussed in relation to claims 1 and 3-5. In particular, the process disclosed in Vander Wielen reference is to prepare a composite elastic material. The present invention is directed to a process for the post-treatment of a composite elastic material.

In addition, Applicants agreed to clarify the subject matter Applicants regard as the invention by inserting the term "multi-layer bonded" before the word "non-woven" in step (a) of claim 1.

Affirmation of Election

As provisionally elected by Applicants representative, William F. Prout, on February 17, 2004, Applicants elect to prosecute the invention of Group I, claims 1-19.

The claims of the non-elected invention, claims 20-48, are hereby canceled. Applicants hereby confirm the election of group I. However, Applicants reserve the right to later file continuations or divisions having claims directed to the non-elected inventions.

Title Objection

The Examiner objected to the title of the invention. Applicants have amended the title as suggested by the Examiner to recite “Method for Controlling Retraction of Composite Materials.” Therefore, withdrawal of the objection to the title is respectfully requested.

Abstract Objection

The Examiner objected to the abstract of the invention because allegedly it contained improper claim-type terminology according to MPEP §608.01(b). The amendment to the abstract to remove the terms “comprising” and “comprises” overcomes the Examiner’s objection. Therefore, withdrawal of the objection to the abstract is respectfully requested.

§102 Rejection of the Claims

Claims 1 and 3-5 were rejected under 35 USC § 102(b) as being allegedly anticipated by Vander Wielen *et al.* (U.S. Patent No. 4,720,415). Applicants respectfully traverse this rejection.

For a prior art reference to anticipate a claim under 35 U.S.C. § 102(b), the reference must teach every aspect of the claimed invention either explicitly or implicitly. MPEP § 706.02. Here, the rejected claims are not anticipated because every element of the claims is not identically shown in Vander Wielen *et al.*

Claim 1 provides a method for the heat treatment of a composite elastic material. The process is described in Figure 1 and more specifically in the instant specification and Figures 4 & 4A. As amended, claim 1 is directed to a process for heat treatment of a multi-layer bonded composite elastic material. Vander Wielen *et al.* discloses a method of preparing a composite elastic material. Vander Wielen *et al.* do not disclose heat treatment of the composite elastic material. Therefore, Vander Wielen *et al.* do not teach every limitation of the claimed invention. Accordingly, withdrawal of the 35 U.S.C. §102(b) rejection is respectfully requested.

Allowable Subject Matter

Claims 2 and 4-19 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have added new claims 49-66 to address the Examiner's suggestion. Applicants submit that, in view of the amendments and remarks herein that the objections under 35 U.S.C. §112 are overcome and that all claims are in condition for allowance. Thus, it is respectfully requested that the claims pass to issue.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6968 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KENNETH B. CLOSE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6968

Date May 25, 2004

By William F. Prout
William F. Prout
Reg. No. 33,995

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25 day of May, 2004.

Gena Upitus
Name

Gena Upitus
Signature